

REMARKS

Claims 1-7, 9, 10 and 17-23 are pending in this application. By this Amendment, claims 20 and 23 are amended. No new matter is added by these amendments.

Reconsideration based on the amendments and following remarks if respectfully requested.

I. Allowable Subject Matter

Applicants greatly appreciate the indication in the Office Action that claims 1-7, 17-19 and 22 recite allowable subject matter. Applicants also appreciate the indication that claim 10 recites allowable subject matter.

II. Claim Objections

The Office Action objects to claim 20 under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of the previous claim.

Applicants respectfully submit that claim 20 as amended obviates the objection. Withdrawal of the objection is respectfully requested.

III. 35 U.S.C. §112 Rejections

The Office Action rejects claims 20, 22 and 23 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Withdrawal of the rejections is respectfully requested.

Applicants respectfully submit that claims 20 and 23 as amended obviate the rejections. Withdrawal of the rejections as to claims 20 and 23 is respectfully requested.

The Office Action asserts that claim 21 includes a feature that lacks antecedent basis. Specifically, the Office Action contends that the recitation "the border line" lacks antecedent basis. Applicants respectfully submit that claim 21 depends from claim 10, which depends from claim 9. Claim 9 clearly recites "a border line formed of a boundary between the at least one pressure reduction absorbing panel." Thus, Applicants have positively recited this feature

in the independent claim from which claim 21 derivatively depends. Accordingly, Applicants respectfully request withdrawal of the §112 rejection as it is improper and unfounded.

IV. The Claims Define Allowable Subject Matter

The Office Action rejects claim 9 under 35 U.S.C. §103(a) as being unpatentable over Iizuka et al. (U.S. Patent No. 6,981,604). The rejection is respectfully traversed.

The Office Action asserts, *inter alia*, that Iizuka discloses "a single bulge located at a boundary between the top side of the at least one pressure reduction absorbing panel and the container body part, the bulge being oriented toward the container bottom part so that a width of the bulge is larger at an upper side than at a lower side of the boundary to restrict resin accumulation." Specifically, the Office Action asserts that the single bulge 18 located at the boundary between the top side of the pressure reduction absorbing panel and the body part with the bulge being oriented toward to the bottom part so that the width is larger at an upper side than a lower side of Iizuka corresponds to the presently recited bulge because it "is considered to inherently restrict resin accumulation due to its orientation." Applicants respectfully disagree.

Specifically, Applicants' specification as filed at paragraph [0027] states "[t]he invention has provided the convex portions 6 at the wall faces of the lower panels 5, respectively, with each convex portion 6 having a mountain-like cross-section having a width larger at a lower side than an upper side in a circumferential direction. This configuration rarely causes obstructions against vectors directed from the mouth part toward the bottom part in a stretching direction of the resin." This advantage is clearly afforded by the exemplary arrangement depicted in Fig. 3 of Applicant's specification as filed. However, Applicants respectfully submit that this arrangement differs from the alleged bulge 18 of Fig. 2 of Iizuka because bulge 18 of Iizuka has a downwardly descending boundary that descends enough in a direction parallel to the bottle opening such that obstructions against vectors directed from the

mouth part toward the bottom part are likely to be caused, not rarely caused as afforded by the currently claimed combination of features.

Also, the "inherency" assertion made in the Office Action is improper. Inherency requires that the bulge is of Iizuka necessarily meets all the features of the recited bulge. Mere possibility is not enough. The Office Action fails to establish such necessity. Thus, the Office Action fails to show a *prima facie* case of inherency.

Accordingly, because Iizuka teaches a structure that is different than that recited in the claims, and which is incapable of affording the cited advantages, Applicants respectfully request withdrawal of the rejection as to claim 9.

V. **Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-7, 9, 10 and 17-23 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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